

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:02cr59-DCB

CHAD JOSEPH VENEZIA

DEFENDANT

ORDER

This matter comes before the Court on the defendant's Motion for Reconsideration of Sentence [**docket entry no. 59**]. Having reviewed the Motion, brief, applicable statutory and case law and being otherwise fully advised as to the premises, the Court finds and orders as follows:

On August 8, 2005, the Court entered a judgment revoking Chad Joseph Venezia's probation because Venezia had committed three probation violations [docket entry no. 58].¹ The defendant was sentenced to 24 months imprisonment. On September 14, 2006, over one year later, Venezia filed a Motion for Reconsideration of Sentence [docket entry no. 59]. Inasmuch as the Motion for Reconsideration was filed more than ten days after entry of the judgment, the Court lacks jurisdiction to consider this motion. U.S. v. Cook, 670 F.2d 46, 48 (5th Cir. 1982) (dismissing motion for reconsideration filed outside ten-day period); U.S. v. Vidal-

¹On March 17, 2005, Venezia tested positive for marijuana. Exactly one week later, the defendant tested positive for both marijuana and amphetamine. Finally, on April 14, 2005, Venezia was arrested by the Hancock County, Mississippi Sheriff's Department and charged with simple possession of marijuana, armed robbery, and possession of a firearm by a convicted felon.

Morales, 115 Fed. Appx. 714 (5th Cir. 2004) (dismissing untimely filed motion for reconsideration of sentence); U.S. v. Cisneros-Garza, 58 Fed. Appx. 596 (5th Cir. 2003) (per curiam). Accordingly,

IT IS HEREBY ORDERED that the defendant's Motion for Reconsideration of Sentence [**docket entry no. 59**] is **DENIED**.

SO ORDERED, this the 16th day of November, 2006.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE